

Docket No: 11-0252
Bench Date: 06/22/11
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: June 13, 2011

SUBJECT: Northern Illinois Gas Company

Application for Waiver of 49 CFR Sections 192.53(c), 192.121, 192.123, and 192.619(a).

RECOMMENDATION: Grant the application.

On May 31, 2011, Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor Gas" or the "Company") filed an Amended Application for Waiver ("Application") with the Illinois Commerce Commission ("Commission") seeking an order granting Nicor Gas a waiver of 49 CFR Sections 192.53(c), 192.121, 192.123, and 192.619(a) to permit the installation and use of a non-metallic, composite, reinforced thermoplastic pipe ("RTP") manufactured by Smart Pipe® ("Smart Pipe®") for rehabilitation of up to four 6-inch diameter 230-psig steel intrastate gas distribution pipeline segments that cross underneath the Illinois River approximately one mile southeast of Ottawa, Illinois. Nicor Gas believes a waiver of 49 CFR Sections 192.53(c), 192.121, 192.123, and 192.619(a) is necessary because composite piping systems, including Smart Pipe®, are not expressly addressed in 49 CFR 192.

The Commission has adopted the standards for pipeline safety set forth in 49 CFR Sections 191.23, 192, 193 and 199, including the Sections which are the subject of Nicor Gas' Application, as its minimum safety standards for the transportation of gas and for gas pipeline facilities. 83 Ill. Admin. Code Section 590.10. Enforcement authority of these and other minimum federal safety standards is granted to the Commission under an agreement with the U.S. Department of Transportation ("DOT") Pipeline and Hazardous Materials Safety Administration ("PHMSA"), entered into pursuant to Section 60105 of Title 49 of the United States Code ("USC"). The Commission may grant waivers of the safety standards pursuant to 49 USC 60118(d).

Section 4 of the Illinois Gas Pipeline Safety Act provides that "...the Commission may, upon application of any person engaged in the transportation of gas or the operation of pipeline facilities, waive in whole or in part, compliance with any standard established under this Act, if it determines that such a waiver is not inconsistent with

gas pipeline safety.” 220 ILCS 20/4. Staff of the Commission raised no objections once the Company amended its initial Application. The Application submitted by Nicor Gas is not inconsistent with gas pipeline safety, and therefore should be approved.

DK:jt